

Amendment Under 37 C.F.R. § 1.111
Serial No.: 10/523,214
SUGHRUE MION, PLLC Ref: Q85361

REMARKS

Claims 1-29 are all the claims pending in the application.

By way of this Amendment, Applicants have amended claim 1 to recite an initial step of providing a substrate made of tungsten or tungsten alloy. Claim 1 then recites the step of using, as a sacrificial element for the structuring of at least part of the substrate, a layer made of anodized porous aluminum. The resulting emitter can be led to incandescent through the passage of electric current through the substrate.

The Examiner has rejected independent claim 1 under § 102(b) as being anticipated by Fujishima, et al. (U.S. Patent Publication No. 2002/0096107).

As an initial matter, Applicants submit that Fujishima, et al. does not include or suggest the initial step of providing a substrate made of tungsten or tungsten alloy in order to make an electrically conductive incandescence emitter for incandescent light source, as claim 1 requires. There can be no denying the fact that Fujishima, et al. does not teach or suggest this aspect of the invention. Nor would this feature of the invention have been obvious to a person of ordinary skill in the art.

Secondly, Applicants again respectfully disagree with the Examiner's assertion that the diamond emitter of Fujishima, et al. can be used as an incandescent light source. The reference specifically states that the diamond disclosed therein is used as an electron emission source for a display, a gas sensor, or an electrode material. There is absolutely no disclosure that the diamond will emit incandescence through the passage of current.

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In fact, based on research conducted by the undersigned, diamond is an electroluminescent material. Such materials are frequently used for back lights to liquid crystal displays. Electroluminescence is an optical and electrical where a material emits light in response to an electric current passing through it or strong electric field. According to Wikipedia, this is distinct to light emission resulting from heat (i.e., incandescence). For the Examiner's convenience, the undersigned provides a copy of the relevant disclosure in Wikipedia. Also, the inventors have confirmed that diamond, as disclosed in the Fujishima, et al. reference, is not conductive and is unsuitable for emitting incandescent light when powered by electric current.

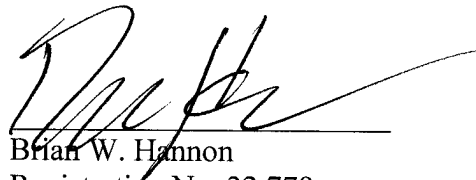
In view of the foregoing, it is respectfully submitted that the Examiner has failed to establish a *prime facie* rejection. To the extent that the Examiner intends to maintain his position, he is respectfully requested to provide technical data which supports the position that the diamond disclosed in Fujishima, et al. is capable of emitting incandescence when powered with electricity.

In view of the foregoing, it is respectfully submitted that the application is now in condition for allowance. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brian W. Hannon", written over a horizontal line.

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